

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL No. 2327

TRANSFER ORDER

Before the Panel:* Plaintiffs in the five actions listed on Schedule A move under Panel Rule 7.1 to vacate our order conditionally transferring their actions to MDL No. 2327. Responding defendant Ethicon, LLC (Ethicon) opposes the motion to vacate.

The actions before the Panel, along with 59 others, were originally filed as one action in California state court and were severed and removed to the Central District of California.¹ We recently transferred the other 59 actions to MDL No. 2327, over plaintiffs' objections. *See* Transfer Order, MDL No. 2327 (J.P.M.L. Oct. 13, 2015), ECF No. 2190.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2327, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their actions share questions of fact with MDL No. 2327. Like many of the already-centralized actions, the actions at bar involve factual questions arising from allegations that Ethicon and related entities defectively designed, manufactured, and marketed pelvic surgical mesh products, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

In support of the motion to vacate, plaintiffs argue that removal of these actions was improper, and the transferor courts should be allowed to rule on pending jurisdictional motions. But plaintiffs' remand motions already have been denied by the Central District of California. Moreover,

* Judge Marjorie O. Rendell and Judge Lewis A. Kaplan took no part in the decision of this matter.

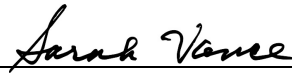
¹ All actions were placed on the same conditional transfer order, but the five actions now before the Panel were remanded to state court, and the conditional transfer order as to those actions was vacated. The original transferor judge in the Central District of California since has vacated his order of remand, denied another motion to remand to state court, and transferred, under 28 U.S.C. § 1404(a), the actions to the five different district courts in which they now are pending.

-2-

the Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge. *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001). Plaintiffs also argue that transfer will cause them inconvenience and delay. We have found that, while transfer of a particular action might inconvenience some parties to that action, transfer often is necessary to further the expeditious resolution of the litigation taken as a whole. *See In re: Crown Life Ins. Premium Ins. Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Chair

Charles R. Breyer
R. David Proctor

Ellen Segal Huvelle
Catherine D. Perry

**IN RE: ETHICON, INC., PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE A

Eastern District of Arkansas

SKELTON v. ETHICON INC., ET AL., C.A. No. 4:15-00648

Eastern District of California

ROBINSON v. JOHNSON AND JOHNSON, ET AL., C.A. No. 1:15-01601

Southern District of Florida

CARMONA v. JOHNSON & JOHNSON, ET AL. , C.A. No. 1:15-23913

Eastern District of Missouri

BUCHANAN v. JOHNSON AND JOHNSON, ET AL., C.A. No. 1:15-00184

Western District of Washington

ORSI v. JOHNSON AND JOHNSON, ET AL., C.A. No. 3:14-05754



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Existing Transfer Order (Transferee Court)

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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

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TEXT ONLY ENTRY

MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

Signed by Clerk of the Panel Jeffery N. Luthi on 12/9/2015.

Associated Cases: MDL No. 2327, ARE/4:15-cv-00648, CAE/1:15-cv-01601, FLS/1:15-cv-23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754 (LH)

Case Name: Florence Buchanan v. Johnson and Johnson et al

Case Number: [MOE/1:15-cv-00184](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED

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Case Name: Mary Orsi v. Johnson and Johnson et al

Case Number: [WAW/3:15-cv-05754](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT ONLY ENTRY

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Case Name: Sara Carmona v. Johnson & Johnson et al

Case Number: [FLS/1:15-cv-23913](#)

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MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED

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23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754 (LH)

Case Name: Robinson v. Johnson and Johnson et al
Case Number: [CAE/1:15-cv-01601](#)
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Docket Text:
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Case Name: Vickie Skelton v. Ethicon Inc, et al
Case Number: [ARE/4:15-cv-00648](#)
Filer:
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Docket Text:
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MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED

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Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products
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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

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Docket Text:

TRANSFER ORDER re: pldg. ([2199] in MDL No. 2327), ([2192] in MDL No. 2327)

Transferring 5 action(s) - MDL No. 2327, ARE/4:15-cv-00648, CAE/1:15-cv-01601, FLS/1:15-cv-23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 12/9/2015.

Associated Cases: MDL No. 2327, ARE/4:15-cv-00648, CAE/1:15-cv-01601, FLS/1:15-cv-23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754 (LH)

Case Name: Florence Buchanan v. Johnson and Johnson et al

Case Number: [MOE/1:15-cv-00184](#)

Filer:

Document Number: [5](#)

Docket Text:

TRANSFER ORDER re: pldg. ([2199] in MDL No. 2327), ([2192] in MDL No. 2327)

Transferring 5 action(s) - MDL No. 2327, ARE/4:15-cv-00648, CAE/1:15-cv-01601, FLS/1:15-cv-23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 12/9/2015.

Associated Cases: MDL No. 2327, ARE/4:15-cv-00648, CAE/1:15-cv-01601, FLS/1:15-cv-23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754 (LH)

Case Name: Mary Orsi v. Johnson and Johnson et al

Case Number: [WAW/3:15-cv-05754](#)

Filer:

Document Number: [5](#)

Docket Text:

TRANSFER ORDER re: pldg. ([2199] in MDL No. 2327), ([2192] in MDL No. 2327)

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Case Number: [FLS/1:15-cv-23913](#)

Filer:

WARNING: CASE CLOSED on 10/28/2015

Document Number: [5](#)

Docket Text:

TRANSFER ORDER re: pldg. ([2199] in MDL No. 2327), ([2192] in MDL No. 2327)

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Case Name: Robinson v. Johnson and Johnson et al

Case Number: [CAE/1:15-cv-01601](#)

Filer:

Document Number: [5](#)

Docket Text:

TRANSFER ORDER re: pldg. ([2199] in MDL No. 2327), ([2192] in MDL No. 2327)

Transferring 5 action(s) - MDL No. 2327, ARE/4:15-cv-00648, CAE/1:15-cv-01601, FLS/1:15-cv-23913, MOE/1:15-cv-00184, WAW/3:15-cv-05754

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Case Name: Vickie Skelton v. Ethicon Inc, et al

Case Number: [ARE/4:15-cv-00648](#)

Filer:

Document Number: [5](#)

Docket Text:

TRANSFER ORDER re: pldg. ([2199] in MDL No. 2327), ([2192] in MDL No. 2327)

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